

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

“Track Seven: Montgomery County, OH”

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

STIPULATED SCHEDULING ORDER

Plaintiff Montgomery County, Ohio, and Defendants The Kroger Company, Kroger Limited Partnership I, and Kroger Limited Partnership II (together, “the Parties”), by their undersigned counsel, stipulate and request that the Court order as follows:

WHEREAS, the Court denied Kroger’s Motion to Strike Dr. Jack Fincham’s expert report, the parties have agreed upon the schedule below for the expert’s deposition and Daubert scheduling, *see* ECF No. 5009 (April. 21, 2023):

- The deposition of Plaintiff’s expert Dr. Fincham is scheduled for Wednesday, May 24, 2023.
- Should Defendant choose to file a Daubert motion, the motion will be filed no later than 21 days following the deposition, Wednesday, June 14, 2023.
- Plaintiff’s response brief is due no later than 21 days after Defendant files its Daubert motion, on or before Wednesday, July 5, 2023.
- Defendant’s reply brief will be filed no later than 14 days after Plaintiff’s response brief is filed, on or before Wednesday, July 19, 2023.

Respectfully submitted,

/s/Gabriel Wohl

Ronda L. Harvey

Gabriele Wohl

Ashley Hardesty Odell

BOWLES RICE LLP

600 Quarrier Street

Charleston, West Virginia 25301

Tel: 304-347-1100

rharvey@bowlesrice.com

gwohl@bowlesrice.com

ahardestyodell@bowlesrice.com

*Counsel for Defendants The Kroger
Company, Kroger Limited Partnership I,
Kroger Limited Partnership II*

/s/Michael E. Elsner

Michael Elsner

Lisa Saltzburg

MOTLEY RICE LLC

28 Bridgeside Blvd.

Mount Pleasant, South Carolina 29464

Tel: (843) 216-9000

melsner@motleyrice.com

lsaltzburg@motleyrice.com

*Counsel for Plaintiff Montgomery County,
Ohio*

/s/Peter H. Weinberger

Peter H. Weinberger (0022076)

SPANGENBERG SHIBLEY & LIBER

1001 Lakeside Avenue East, Suite 1700

Cleveland, OH 44114

Tel: (216) 696-3232

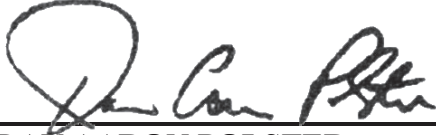
(216) 696-3924 (Fax)

pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

IT IS SO ORDERED.

Dated: May 10, 2023



DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE